IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 634 OF 2007

IN

CRIMINAL APPEAL NO.526 OF 2007

Shri Ramsagar ramkishor Pal & Ors. ...Applicants
(Org.Accused)

Versus

The State of Maharashtra ..Respondent

Mr. V.V.Purwant for the applicants
Mrs. M.H.Mhatre, APP, for the State.

CORAM: J.H.BHATIA,J.

DATE : 14th June, 2007.

P.C.

1. Heard Mr. Purwant, learned Counsel for the applicants and Mrs. Mhatre, APP, for the State.

2. The applicants are original accused Nos. 3 to 8, who were convicted for the offence punishable under Section 402 of I.P.C. and were sentenced to undergo R.I. for five years. Their Appeal against conviction is admitted. By this Application, they seek to be

released on bail pending their Appeal. 3. Out of six accused persons, only Azad Mahamadali Khan - appellant no.2 was on bail during the trial. The others are in custody since the date of their arrest i.e. 11.9.2005. It appears that they were prosecuted for the offence punishable under Section 120B, 399, 400, 402 of I.P.C. and under the provisions of Indian Arms Act. However, they were acquitted of all the charges except under Sectino 402 of I.P.C. The prosecution case against them is only that all the 8 persons were staying in a lodge and out of them two persons were found in possession of country-made revolvers and one was having a cartridge. No criminal antecdents was brought on record nor it was proved that they are members of any gang nor it was proved that they had made any preparation to commit dacoity.

4. In view of the above circumstances, the applicants be released on bail on their executing P.R. Bonds of Rs.15,000/- each with surety in the like amount and on their depositing the fine amount.

(J.H.BHATIA,J.)